

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PETER T. ROUKIS,

Petitioner,

TRANSFER ORDER
09 CV 5374 (CBA)(LB)

-against-

UNITED STATES ARMY,

Respondent.

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BLOOM, United States Magistrate Judge:

On December 4, 2009, petitioner, Peter T. Roukis, filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. §2241. See docket entry 1. On February 12, 2010, the Hon. Carol B. Amon referred the petition to me for a Report and Recommendation. See docket entry 11. At the time the petition was filed, venue was proper in this district as petitioner was incarcerated at the Metropolitan Detention Center ("MDC") in Brooklyn, New York. See docket entry 1 at 5. However, on January 6, 2010, petitioner was transferred from MDC to the Federal Correctional Institution in Otisville, New York. See docket entry 6 at 1. Therefore, venue is no longer proper in this district as the proper venue for this action lies in the district of confinement, which is the Southern District of New York. Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004). By letter dated March 3, 2010, respondent requests an extension of time to file a response to the petition. See docket entry 13. The Court hereby stays the response to the petition, but directs respondent to renew its request for an extension to the transferee Court as soon as the petition is transferred.

Accordingly, the Clerk of this Court shall transfer this case to the United States District Court for the Southern District of New York. 28 U.S.C. § 1406(a). That provision of Rule 83.1

of the Local Rules for the Eastern District of New York which requires a five-day delay in the transfer of relevant case materials is waived.

SO ORDERED.

/Signed by Judge Lois Bloom/
LOIS BLOOM
United States Magistrate Judge

Dated: March 11, 2010
Brooklyn, New York